



USAID
FROM THE AMERICAN PEOPLE

Concept paper on electronic filing of documents for Trade Remedies Department of Ukraine's Ministry of Economic Development and Trade

July 15, 2015

This concept paper was produced by International Development Group LLC, for review by the United States Agency for International Development

Concept paper on electronic filing of documents for Trade Remedies Department of Ukraine's Ministry of Economic Development and Trade

I. Introduction

We have been asked to prepare a concept paper examining the possibility of electronic filing (e-filing) of documents in trade remedies cases at the Ministry. This brief paper is intended as a working document to frame the issues and begin the dialogue associated with designing and implementing such a system.

II. What is E- filing?

Various definitions of e- filing exist, ranging from the simple action of submitting documents by electronic process, to the development of more complex systems that include a variety of sub-functions. Simply defined, electronic filing consists in transmitting a document by electronic means. Others interpret the terms “electronic filing” as referring only to the process by which documents are submitted to a court for filing. But this aspect is only one part of a mature, end-to-end electronic document process. While the Ministry is contemplating a more advanced system in the future, for the purposes of this concept paper, we have restricted our analysis to basic filing of documents.

III. What are the benefits of e-filing?

It is important to keep in mind that e- filing has benefits even if all it does is eliminate the post office. Even though there may be increased printing costs at the Ministry at the outset (if documents are not distributed and archived in electronic form), some of these costs are offset by savings in postage. And the benefits, in terms of improved access and delivery, remain. There will be issues to be addressed, but if these are handled incrementally (rather than trying to solve all potential problems in advance), they are more easily overcome.

The main benefit of the technology is the improvement of communications between users, lawyers and the Ministry. Although systems integration with other trade remedies and government initiatives can carry significant benefits as well, not every element need be addressed at the beginning; other modules may be added as the system matures, especially if the exchanges use mature technologies and industry standards.

IV. What are the challenges that will be faced?

Experience shows that at the commencement of any e-filing initiative, many doubt the viability or implementability of such plans, a conceptual challenge to the very idea of e-filing. This speaks to an incremental, slowly developing approach – when the community sees it working, the system can grow as confidence grows. If a project is going to fail—always a risk—it is

better to do it early and quickly. Modest experiments in a limited context can be a less threatening, less risky and cheaper way to test the viability of plans in a real way. And it is much easier to change course from a small trial, than after years of planning and development.

Another serious challenge to be addressed with electronic filing is the **security** of information and the protection against data that could be incorrectly compiled or altered by unauthorized persons, either before, during, or after it is reported. This can be addressed by implementing adequate controls over the e-filing systems (i.e. firewall, password, anti- virus, etc.).

The following table summarizes the benefits and challenges.

Benefits	Challenges
<ul style="list-style-type: none"> • Reduction in paper • Increased information accessibility • Improved efficiency • Interoperability of systems • Full- text search capability • Cost reduction • Efficient communication • Better security • 24/7 access • Effective storage 	<ul style="list-style-type: none"> • Security • Transparency and openness v. privacy • System failure or unavailability • Education of users • Complex and time consuming

V. Recommendations and next steps

Any ultimate approach chosen should keep in mind two words: Start small. For example, an ideal basic system would use standard computer hardware, an internet connection and be web based, accepting documents in Portable Document Format (PDF) format. The system would be easy to use – filers prepare a document using conventional word processing software, then save it as a PDF file. After logging on to the Ministry’s web site with a certified, government-issued password, the filer would fill out several screens with basic information relating to the case, party and document being filed, attaches the document and submits it to the Ministry. A notice verifying receipt of the filing would be generated automatically. If the capability exists, other interested parties in the case then automatically receive email notification of the filing. A second phase could introduce a user-friendly checklist to ensure that applications, in particular are complete, with prompts at each stage asking if certain documents have been attached, and/or if particular information has been included. Failure to answer ‘yes’ to any question would not allow any document to be filed.

A better starting point would be to identify the needs that make an e-filing system worth implementing. Examples of problem areas are inadequate storage space, damaged records, redundant work and workflow problems, security, etc. It is also important to set goals and objectives to address those matters i.e. enhancing customer service, improving public access time to court records, increasing availability of filing, creating an electronic case file, filing all papers electronically, enhancing archiving methods and security, etc. Once both the needs and the objectives have been defined, commitment has to be obtained from Ministry and other

government leaders, those who will give the go-ahead for the project and allocate the necessary resources to it, by presenting them with a business case.

The following table breaks down the elements and issues to be considered going forward.

Elements	Description of issues
Planning	<ul style="list-style-type: none"> • Create steering committee and project team • Evaluate needs • Analyze systems • Review options and identify model • Develop training and communication strategy • Determine pilot project (?)
Design	<ul style="list-style-type: none"> • Define data filing standards (what) • Define technical and operational standards (how) • Develop electronic procedural forms • Determine filing notification process
Technical	<ul style="list-style-type: none"> • Assess computing environment • Identify communication medium • Determine electronic document format for filings • Program front-end application (what public sees) • Determine system security • Establish backup plans and procedures • Ensure electronic record remains in the possession of the Ministry/Government
Procedural (Rules)	<ul style="list-style-type: none"> • Obtain authority to accept and preserve electronic documents (existing e-gov law?) • Determine rules to be modified • Draft new e-filing rules
Implementation	<ul style="list-style-type: none"> • Define implementation phases and access (who) • Obtain participation of all levels: government, private sector, lawyers
Financial	<ul style="list-style-type: none"> • Obtain sufficient funding for: <ul style="list-style-type: none"> ○ Development ○ Implementation ○ Training ○ Support